

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Enforcement Operations</u> STATEMENT NUMBER <u>5.05</u>
SUBJECT: INTENSIVE SUPERVISION PROGRAM PROPONENT: <u>Michael McAlister, Director</u> <i>Name/Title</i> <u>Field Services</u> <u>271-5652</u> <i>Office</i> <i>Phone #</i>	EFFECTIVE DATE <u>02/01/08</u> REVIEW DATE <u>02/01/09</u> SUPERSEDES PPD# <u>5.05</u> DATED <u>09/15/06</u>
ISSUING OFFICER: <u>William Wrenn, Commissioner</u>	DIRECTOR'S INITIALS _____ DATE _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

- I. PURPOSE:
To provide guidance in the identification, referral and selection of suitable offenders for the Intensive Supervision Program (ISP), pursuant to RSA 651:2V (c)(d)(e).
- II. APPLICABILITY:
To all staff
- III. POLICY:
It is the policy of the Department of Corrections to consider sentencing alternatives, such as Intensive Supervision when preparing Pre-sentence Investigations (PSI), and when filing probation or parole violations. The objectives of the Intensive Supervision Program include the following:
- A. To impose strict, non-institutional sanctions in the community for those convicted of certain offenses
 - B. To provide a safe diversionary alternative to confinement for both the Court and the Parole Board
 - C. To provide protection to the community through surveillance and control of cases
 - D. To identify and involve appropriate community resources to accommodate supervisory objectives
 - E. To enforce participation by offenders in self-improvement programs that encourage non-criminal behavior
 - F. To enforce confinement to residence, curfew and other restrictions
 - G. To develop team as well as individual supervision
 - H. To provide surveillance on weekends and holidays
 - I. To restrict caseloads to a proportionate number of ISP and other cases to maintain caseloads at reasonable workload levels whenever possible for optimum public safety
- IV. PROCEDURE:
- A. PRE-SENTENCE INVESTIGATION STAGE
- 1. Offenders recommended to the Court for participation in ISP must meet the following criteria:
 - a. The offender shall be an incarceration-bound, convicted felon who otherwise would be sentenced to a term in the state prison, this includes felons for whom a house of correction sentence might be selected, when probation failure could be punished by a state prison sentence.
 - b. The offender shall not, at any time, have been found guilty of committing, attempting to commit, soliciting to commit or conspiring to commit any of the following, but is not limited to:

- 1) RSA 629 - Inchoate crimes for all excluded offenses below
 - 2) RSA 630:1, 1a, 1b, 630:2 - Homicide
 - 3) RSA 631:1 - 1st Degree Assault, Class A Felony
 - 4) RSA 632-A:2 - Aggravated Felonious Sexual Assault, Class A Felony
 - 5) RSA 633:1 - Kidnapping, Class A Felony
 - 6) RSA 636:1 - Robbery, Class A Felony
 - 7) RSA 642:6 - Escape, Class A Felony
 - 8) RSA 642:9 - Assaults by Prisoners, Class A Felony
 - 9) RSA 648 - Subversive Activities, All Offenses
 - 10) RSA 649 - Sabotage, All Offenses
 - 11) RSA 649-A - Child Pornography, All Offenses
 - 12) RSA 650-A:1 - Felonious Use of a Firearm, Class A Felony
 - 13) RSA 318 - Drug Offenses, Class A Felony
 - 14) RSA 630:3II - Negligent Homicide, use of propelled vehicle involving drugs or alcohol
- c. The offender shall submit a residence plan that is a stable living arrangement in a law-abiding environment to the Division of Field Services.
2. Should the offender be ineligible for the ISP, the Commissioner shall decide whether or not any or all criteria established should be waived provided that:
 - a. The offender has no prior criminal history;
 - b. The offender's criminal act or acts were committed under duress, dominated by another, mental or emotional stress or similar circumstances;
 - c. The offender is able to document that they have been able to maintain a stable work history, residence, education, or family;
 - d. The offender is able to document other factors that would tend to substantiate the offender's ability to maintain a law-abiding life style.
 3. Any offender placed on ISP who violates the conditions or restrictions of their probation shall be subject to immediate arrest by a probation officer or any authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition pursuant to RSA 651:2V.(f).
 4. In addition to the offense criteria outlined above, the following factors bear on the offender's suitability for program participation:
 - a. Risk/Needs Assessment scores preferably within the "Maximum" level.
 - b. The offender is not an Out of State resident and does not plan to move to another state should probation be granted.
 - c. The offender must be able to develop a suitable plan to include residence, employment and other program requirements. The offender's employment and/or residence plan shall not inhibit the ability of the department to carry out its supervisory objectives (i.e., long distance truck driving or residence in a remote, isolated area).
 - d. The investigating Probation/Parole Officer (PPO) shall discuss the ISP with the prospective offender during the PSI interview in assessing offender motivation, cooperation and willingness to comply with program requirements.
 - e. The investigating PPO shall, upon identifying a prospective eligible offender, collaborate with the Chief Probation/Parole Officer (CPPO) in formulating a recommendation to the Court.
 - f. Court recommendations shall be framed in a fashion that will facilitate the maximum level of control over the offender in the event of non-compliance (i.e., a recommendation for a substantial suspended State Prison sentence). (See the sentencing guide)
 5. In cases where the offender is before the Court on one of the ineligible offenses listed above and in the judgment of the investigating PPO there exists sufficient, mitigating circumstances, the PPO may elect to recommend to the court, the offender's placement in the program as long as the full extent of Administrative Rule Cor 311.01 (b)(Attachment 2) is followed and Commissioner's approval is given. Approval requests to the Commissioner will go through the chain of command.
- B. PAROLE SCREENING STAGE:**
1. Offenders selected for participation in ISP (Parole) must meet the following criteria:
 - a. Must have attained parole status or be within 90 days of their minimum parole eligibility date.

- b. Have previously participated in the institutional reduced custody programs but who failed those programs may be considered for release on ISP supervision.
 - c. Must be offenders who are in need of a level of supervision beyond the "traditional" and maximum level.
 - d. "Technical" parole violators are eligible for participation providing no new significant or major offense was committed and no detainers or warrants are outstanding for serious offenses.
 - e. Must have a suitable release plan to include residence, employment and programming components (i.e., counseling, AA, etc.).
 - f. May be offenders who, but for the existence of the ISP Program, would pose an unacceptable threat to public safety or order.
2. Eligible offenders will be referred to the Parole Board following a consultation between the CPPO and the Executive Assistant to the Adult Parole Board.
 3. Eligible offenders selected by the Board to participate in the program will be referred to the appropriate District Office.
 4. Supervising PPOs will investigate the offender's release plan. In those cases where release plans fall short of expectations for an otherwise eligible offender, the supervising PPO shall advise the prisoner's counselor of the nature of the problem and collectively work toward a solution.
 5. Upon completion of the investigation, the assigned PPO shall forward a report to the Executive Assistant to the Parole Board, who will schedule a release date.
 6. Should the Parole Board parole the offender over the objection of the Division of Field Services the case will be accepted as an ISP case to minimize public risk. The Parole Board will incorporate ISP designation into the offender's parole certificate.
- C. VIOLATIONS:
1. Violations of parole can be elevated to ISP providing the PPO and the CPPO concur on its appropriateness and the Parole Board approves it. The Court will be petitioned to authorize elevation to ISP in probation cases.
 2. The frequency of supervision contacts may be increased at the discretion of the PPO in lieu of a violation.
- D. INTENSIVE SUPERVISION:
1. Role of Supervision:
 - a. To provide intensive contact and interaction with offenders, significant others, collateral agencies, individuals/groups and law enforcement agencies.
 - b. To assist and encourage the offender in self-improvement pursuits.
 - c. To maintain a liaison with community service agencies providing services to the offender.
 - d. To gain information via home, collateral or telephone contacts in determining the appropriate level of assistance/surveillance.
 - e. To monitor and evaluate via collateral contact the offender's behavior in areas of substance abuse, house arrest compliance and payment of restitution and supervision fees.
 - f. To monitor the conduct, habits, associates, employment, leisure activities and whereabouts of assigned offenders.
 - g. Any offender who violates the conditions or restrictions of probation shall be subject to immediate arrest by a probation officer or any authorized law enforcement officer.
 2. Role of Surveillance:
 - a. To provide protection to the public through frequent contacts with offenders that are varied and random.
 - b. To enforce the offender's compliance and participation in employment, public service or community service agency programs.
 - c. To monitor via collateral field contacts with law enforcement agencies, the offender's compliance with conditions of probation or parole to include any contact with law enforcement agencies.
 3. Offender Orientation:

Upon the recommendation of the Department of Corrections, and a court order placing an offender into ISP, the supervising PPO shall meet with the offender and shall:

 - a. Review expectations and reaffirm the offender's commitment to compliance.
 - b. Execute a written "Participation Contract" (attachment 1) with the offender. A copy will be given to the offender and one copy placed in the offender's file.
 4. Supervision Contact Standards:

- a. Length of Program:
 - 1) Normal ISP minimum participation is ninety (90) days. Cases will be reviewed to determine whether the case is appropriate for a reduced supervision category.
 - 2) Offenders placed under ISP supervision who do not meet the criteria or are not in need of intensive supervision will be reassessed to regular supervision caseloads as soon as possible.
- b. Minimum Contacts:
 Offenders who are on ISP will receive a minimum of four (4) face-to-face contacts per month, two of which should be in the field. The PPO will monitor their progress in regard to identified need(s) by developing focused case plans. Supervision should be conducted in accordance with the identified needs in the supervision case plan and also incorporate the use of the following as applicable:
 - 1) Office visits, treatment contacts/verification, collateral contacts, employment contacts/verification, telephone contacts, substance abuse testing, police contacts, surveillance, curfews etc.
 - 2) The supervising PPO should notify the local police of the offender's status within 30 days after receipt of a Court Order or Parole Board Order for placement on ISP.
 - 3) A home visit should be conducted within two weeks after placement on ISP and within two weeks of a change of address.
- c. Family Briefing:
 Initial contact is made at the time of the Pre-Parole Investigation with the offender's family by the investigating PPO to explain the program and expectations regarding the offender's participation, and to elicit the family's cooperation and support in facilitating successful completion.
- d. Home Visits:
 Timing of contacts will be varied to cover day, evening, nighttime and weekend hours. The PPO or team personally conducts each contact. Other PPO personnel may lend assistance in providing consistency in both the number and quality of contacts. Attempted home contacts are to be documented and are counted towards complying with the standard. (Attempted contacts are those made to the offender's home when the offender is not present).
- e. Collateral Contacts:
 These are contacts with individuals or agencies who have immediate first hand knowledge of the offender's activities (i.e., employers, counselors, family etc.), and can provide the supervising PPO with information concerning the offender that enhances the PPO's supervision/surveillance.
- f. Unemployed Offenders:
 - 1) The unemployed offender on ISP may be required to present verification each day of their job search to the assigned District Office unless otherwise instructed by the supervising PPO. Verification that the offender has made legitimate attempts to secure full time employment may be accomplished in several ways including:
 - a) Requiring the offender to list each employment contact, including the name of the contact person.
 - b) Phone contact by the supervising PPO to the location at which the offender claims to have made a contact.
 - c) Daily reporting to the District Office. The offender shall submit a written document containing all necessary information verifying efforts to secure employment.
- g. Law Enforcement Notification/Liaison:
 - 1) All PPOs should attempt to maintain a working relationship with each law enforcement agency in their jurisdiction by promoting and fostering the exchange of information concerning offenders in the Program.
- h. Curfew/Home Confinement:
 The Sentencing Court and Parole Board may fix curfew requirements; however, unless otherwise set, each offender on ISP is expected to be in their residence no later than 8:00 PM and leave no earlier than 6:00 AM the following day. The PPO may set more restrictive hours. A notice to the Court or Parole Board is advisable. Variations may be necessary in certain individual situations to accommodate an offender's employment;

however, the supervising PPO must approve any departure from the above curfew hours. Staff is expected to randomly monitor curfew requirements through a combination of telephone contacts, unannounced home visits or electronic monitoring. Each offender placed on Home Confinement by the Court or Parole Board shall be given written notice of their home confinement schedule.

- i. Substance Abuse Monitoring:
All offenders on ISP may be subject to random substance abuse tests at the discretion of the PPO.
- j. Terminations Reviews:
Upon successful completion of a minimum of 90 days under ISP supervision, the supervising PPO and CPPO shall review the case to determine whether the offender should continue under ISP supervision or be transferred to regular supervision status.
- k. Extended ISP:
Offenders who continue on ISP status beyond 90 days will be reviewed by the CPPO and supervising PPO at least every 60 days to determine whether continued ISP supervision is warranted or other disposition is appropriate.
- l. Reassessment:
ISP offenders transferred from ISP status to regular supervision shall be re-assessed on the risk/needs instrument. Case chronological entries shall reflect each review determination, action taken, and decision, whether or not a change was made.

E. PPO SECURITY/SAFETY IN THE FIELD:

- 1. Team supervision is encouraged.
- 2. The initial field contact should be accomplished during daytime hours, allowing the PPO to view the particulars of the offender's residence and living arrangements.

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

Standards for Adult Correctional Institutions
Fourth Edition Standards

Standards for Adult Community Residential Services
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services
Third Edition Standards

Other

Administrative Rule COR 311.01 (b)

MCALISTER/pf

Attachments

INTENSIVE SUPERVISION PROGRAMPARTICIPATION CONTRACT

By order of the _____ County Superior Court you have been placed into the Intensive Supervision Program in lieu of a term of confinement. You will be placed under the supervision of the Division of Field Services for the term specified on the attached Probation Agreement. As a Probationer in the Intensive Supervision Program, you will be expected to comply with the standard conditions imposed by the Court, but also the following mandatory conditions of the Intensive Supervision Program.

1. I agree to comply with the curfew as established by the Intensive Supervision Officer. I understand that curfew compliance will be monitored through unannounced visits by the Intensive Supervision Officer and agree to participate in an electronic monitoring program if requested to do so by the Intensive Supervision Officer in enforcing curfew compliance.
2. I understand and agree that I am to submit to urinalysis and breathalyzer testing at any time at the direction of the Intensive Supervision Officer.
3. I understand and agree to submit to a search of my person, property, possessions and residence at any time of the day or night as requested by the Intensive Supervision Officer.
4. Other:

I understand that failure to abide by the conditions imposed may subject me to immediate arrest, removal from the Intensive Supervision Program, and revocation of my probation status.

Date _____

Signature of Probationer

Signature of Intensive Supervision Officer

COR 311 INTENSIVE SUPERVISION PROGRAM

Cor 311.01 Intensive Supervision Program

(a) Intensive supervision is an alternative to incarceration and is the highest level of supervision provided in probation and parole.

(b) An offender shall be considered eligible for intensive supervision when the following criteria shall have been met:

- (1) The offender shall be a prison-bound offender, which is a convicted felon on probation who otherwise would be sentenced to a term in the state prison, including felons for whom a house of correction sentence has or might be selected, when probation failure could be punished by a state prison sentence.
- (2) The offender shall not, at any time, have been found guilty of committing, attempting to commit, soliciting to commit or conspiring to commit any drug related offense or offense of violence and/or assault including, but not limited to the following:
 - a. RSA 629
 - b. RSA 630:1; 630:1a; 630:1b; 630:2
 - c. RSA 631:1
 - d. RSA 632-A:2
 - e. RSA 633:1
 - f. RSA 636:1
 - g. RSA 642:6
 - h. RSA 642:9
 - I. RSA 648
 - j. RSA 649
 - k. RSA 649-A
 - l. RSA 650-A:1
 - m. RSA 318
- (3) The offender shall submit to the Division of Field Services a residence plan that is a stable living arrangement in a law abiding environment.

(c) Should the offender be ineligible for the intensive supervision program as a result (a) the commissioner or designee shall decide whether or not any or all criteria established in subsection (a) should be waived provided:

- (1) The offender has no prior criminal history: or
- (2) The offender's act or acts were committed under duress, domination by another, mental or emotional stress or similar circumstances; or
- (3) The offender is able to document that he/she has been able to maintain stability with regard to work history, residence, education, or family; or
- (4) The offender is able to document other factors which would tend to substantiate the offender's ability to maintain a law abiding life style.

(d) Any offender placed in the intensive supervision program who violates the conditions or restrictions of his/her probation shall be subject to immediate arrest by a probation officer or any authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition.